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A limited liability partnership formed in the State of Delaware

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Attorneys for Defendant  
Medtronic, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BARBARA BERRY,

Plaintiff,

vs.

MEDTRONIC, INC., MEDTRONIC  
INTERNATIONAL TECHNOLOGY, INC, and  
MEDTRONIC PUERTO RICO OPERATIONS  
CO.,

Defendants.

Case No. 3:08-CV-2447-EMC

**STIPULATION TO STAY PROCEEDINGS  
AND RESPONSIVE PLEADING  
DEADLINE PENDING TRANSFER TO  
MDL 1905**

Compl. Filed: May 13, 2008  
Trial Date: None Set

Honorable Edward M. Chen

1 Plaintiff Barbara Berry and Defendant Medtronic Inc. by and through their counsel of record  
2 propose the following stay of responsive pleading deadlines and other proceedings pursuant to  
3 stipulation based on the following facts:

4  
5 This case involves allegations that defendant Medtronic, Inc.'s Sprint Fidelis Leads caused  
6 injury to Plaintiff. On February 21, 2008, the Judicial Panel on Multidistrict Litigation ("JPML")  
7 granted various plaintiffs' requests to transfer all cases allegedly arising out of the implantation of  
8 Sprint Fidelis cardiac-defibrillator leads manufactured and sold by Medtronic to a single district  
9 court for consolidated or coordinated treatment. *See In re Medtronic, Inc., Sprint Fidelis Leads*  
10 *Liability Litigation*, MDL No. 1905 ("MDL 1905"). The JPML selected the Honorable Richard H.  
11 Kyle of the District of Minnesota to preside over MDL 1905. Over 100 cases have now been  
12 transferred to the District of Minnesota in accordance with the February 21, 2008 Transfer Order. A  
13 copy of the Transfer Order is attached hereto as Exhibit A.

14  
15 On May 27, 2008, the Clerk of the JPML issued a Conditional Transfer Order identifying the  
16 above entitled case as a tag-along action, and conditionally assigned it to MDL 1905. A true and  
17 correct copy of the Conditional Transfer Order is attached as Exhibit B. In the interest of conserving  
18 judicial resources and avoiding potentially duplicative pretrial proceedings in this case, the parties  
19 hereby stipulate and agree to a stay of Medtronic, Inc.'s deadline to respond to the complaint and all  
20 proceedings in this action pending further orders by the MDL transferee court, the Honorable  
21 Richard H. Kyle of the District of Minnesota. This stay includes, but is not limited to, responsive  
22 pleading deadlines, any disclosures under Rule 26 of the Federal Rules of Civil Procedures, early  
23 meeting of counsel, Rule 26 report deadline, and the Scheduling Conference set by this Court for  
24 August 20, 2008.

1 IT IS SO STIPULATED.  
2

3 DATED: June 4, 2008. Respectfully submitted,  
4

5 REED SMITH LLP

6 By 

7 Sonja S. Weissman  
8 Dana A. Blanton  
9 Attorneys for Defendant  
10 Medtronic, Inc.

11 DATED: June 4, 2008. Respectfully submitted,  
12

13 THE BRANDI LAW FIRM

14 By 

15 Thomas J. Brandt  
16 Brian J. Malloy  
17 Attorneys for Plaintiff

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
19

20 DATED: June \_\_\_, 2008  
21

22 \_\_\_\_\_  
23 Honorable Edward M. Chen  
24

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